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#3  
C.S.

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)  
4532670/2062

First named inventor: Nelson

US Application No.: 09/424,052  
(if known)

International (PCT) Application Number: PCT/GB98/01549

Filed: May 27, 1998

Title: Method of Co-Crystallizing a Food Additive

**RECEIVED**

19 MAY 2000

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Legal Staff  
International Division**

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(h) or 1.495(i).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Proper reply;
- (3) Terminal disclaimer with disclaimer fee -- required for all international applications having an international filing date before June 8, 1995; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

- ☐ small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l))
- ☐ small entity statement enclosed herewith.
- ☐ small entity statement previously filed.
- ☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l))

05/19/2000 PVLDE 00000139 09424052

**2. Proper reply**

01 FC:115 110.00 CP  
02 FC:154 130.00 CP  
03 FC:968 260.00 CP

**A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form**

of Declaration under 37 CFR 1.497 (identify the type of reply):

- ☐ was previously filed on \_\_\_\_\_
- ☒ is enclosed herewith.

08/21/2000 ABIZAW 00000069 122250 09424052

01 FC:118 1360.00 CH

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ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the 35 U.S.C. 371(c) requirements (or a continuing US application) from their due date until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

May 12, 2000

Date

  
Signature

Telephone

Number: (515) 288-2500

Kent A. Herink

Typed or printed name

666 Walnut Street, Suite 2500

Des Moines, Iowa 50309  
Address

Enclosures: ☐ Additional sheets containing statements establishing unavoidable delay

☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☐ \_\_\_\_\_

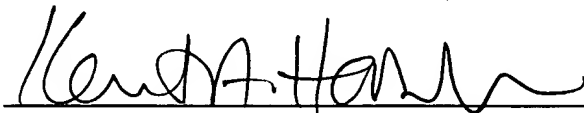
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**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

May 12, 2000

Date



Signature

Kent A. Herink

Typed or printed name

(In the space provided below, please explain in detail why the 35 U.S.C. 371(c) elements (or continuing US application) were not timely filed.)

An original Notice of Missing Requirements was issued having a USPTO date mailed entry indicating 01/07/00. The response deadline for the original notice was 02/07/00. However, the original notice was never received in our office. Rather, a copy of the original Jan. 7, 2000 Notice was postmarked in Arlington, VA on March 6, 2000. We received a copy of the original Notice on March 9, 2000. We acted upon the Notice and dispatched to the inventors a combined declaration for execution. The three Belgian inventors executed the declaration in Belgium on 3/29/00 (SAS), 3/23/00 (Ryckaert), and 3/29/00 (Adams). We received the executed declaration in our offices during the week of May 8, 2000.

Based on the foregoing, the entire delay in replying to the original notice was unavoidable due to the unforeseen fault or imperfection of the U.S. Postal Service, or the U.S. PTO, in delivering and/or mailing the original Notice.

A copy of the original notice postmarked on March 6, 2000 in Arlington, VA, was mailed 28 days after the deadline for response. All actions in response to the Notice were timely and diligent and did not lead to the abandonment.

*(Please attach additional sheets if additional space is necessary)*